

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

UNITED STATES OF AMERICA, et al.,  
ex rel. CALEB HERNANDEZ and JASON  
WHALEY, Relators

*Plaintiffs,*

v.

TEAM HEALTH HOLDINGS INC., et al.

*Defendants.*

CASE No. 2:16-cv-00432-JRG

HONORABLE RODNEY GILSTRAP, CHIEF U.S.  
DISTRICT JUDGE

**RELATORS' UNOPPOSED MOTION TO SEAL**

Pursuant to Local Rule CV-5(a)(7)(C) and this Court's June 1, 2016 Standing Order Regarding Protection of Proprietary and/or Confidential Information to be Presented to the Court during Motion and Trial Practice, Relators Dr. Caleb Hernandez and Jason Whaley ("Relators") hereby file this Unopposed Motion to Seal ("Motion"). Specifically, Relators request that the Court allow Relators to file their Response in Opposition to Defendants' Motion for Summary Judgment, or Partial Summary Judgment in the Alternative ("Response") under seal.

Relators' Response refers to, quotes, and otherwise relies on certain portions of deposition transcripts and other documents that Defendants have designated as "Confidential" under the Court's Protective Order ("Protective Order"; Dkt. No. 69). Therefore, per Defendants' confidentiality designations pursuant to the Protective Order, information contained in the Response is of such a nature that its public disclosure creates a risk of harm that outweighs the strong presumption in favor of public access to judicial proceedings. However, Relators reserve

their right to challenge Defendants' confidentiality designations through the procedures set out in the Protective Order. Defendants do not oppose this Motion.

The parties have met and conferred in good faith on this matter with the goal of minimizing the need to seal the record and the courtroom.

For the foregoing reasons, Relators respectfully request that the Court grant this Motion.

Dated: October 1, 2020.

Respectfully submitted,

/s/ Trey Duck

Trey Duck, TX Bar No. 24077234

tduck@nixlaw.com

Michael Angelovich, TX Bar No. 785666

mangelovich@nixlaw.com

Cody L. Hill, TX Bar No. 24095836

codyhill@nixlaw.com

Bradley W. Beskin, TX Bar No. 24105463

bbeskin@nixlaw.com

**NIX, PATTERSON LLP**

3600 N. Capital of Texas Hwy.

Building B, Suite 350

Austin, TX 78746

Telephone: 512.328.5333

Facsimile: 512.328.5335

**ATTORNEYS FOR RELATORS**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 1<sup>st</sup> day of October 2020, I filed this *Relators' Unopposed Motion to Seal* with the Clerk of the Court by means of the Court's ECF system, which served copies of the filing on all counsel of record entered in the case.

/s/ Trey Duck

*Counsel for Relators*